

REMARKS/ARGUMENTS

Claims 1-3 and 6-10 remain in the application, all of which stand rejected. New claims 50-53 are also presented. Claims 4, 5 and 11-49 have been canceled.

1. Objection to Claim 5

Claim 5 stands objected to because it depends from canceled claim 4. However, claim 5 has been canceled, rendering this rejection moot.

2. Rejection of Claims 1 and 6 Under 35 USC 102(b)

Claims 1 and 6 stand rejected under 35 USC 102(b) as being unpatentable over Bjarklev et al. (US Pat. 6,972,894 B2; hereinafter “Bjarklev”).

As amended, claim 1 now includes the limitations of previous claim 5. Applicant therefore believes the rejection of claim 1 (and its dependent claim 6) has been rendered moot.

3. Rejection of Claims 2 and 3 Under 35 USC 103(a)

Claims 2 and 3 stand rejected under 35 USC 103(a) as being unpatentable over Bjarklev et al. (US Pat. 6,972,894 B2; hereinafter “Bjarklev”) in view of Russell et al. (US Pat. 6,631,234 B1; hereinafter “Russell”).

As amended, claim 1 now includes the limitations of previous claim 5. Claims 2 and 3, which depend from claim 1, now inherit the limitations of previous claim 5. Applicant therefore believes the rejections of claims 2 and 3 have been rendered moot.

4. Rejection of Claims 5 and 7-10 Under 35 USC 103(a)

Claims 5 and 7-10 stand rejected under 35 USC 103(a) as being unpatentable over Bjarklev et al. (US Pat. 6,972,894 B2; hereinafter "Bjarklev") in view of Levenson (US Pat. 6,496,634 B1).

Although claim 5 has been canceled, its limitations have been incorporated into claim 1. Applicant will therefore address the Examiner's rejection of claim 5 as a rejection of claim 1.

With respect to claim 1 or 5, the Examiner admits that Bjarklev does not teach the claimed "fill hole extending radially to said voids in said core". However, the Examiner asserts that Levenson teaches such a fill hole in FIG. 9 and col. 4, lines 1-6, and that:

Levenson teaches the fill hole having two dimension, axial and radial;

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Applicant respectfully disagrees. Levenson discloses a fiber 10 having holes or voids 30 that may be filled with a gas or liquid. Levenson also teaches in col. 4, lines 1-6, that the holes or voids 30 may be filled with the gas or liquid via their "ends", by means of capillary action. Applicant also acknowledges that each hole or void 30 has a radial dimension. However, if Levenson's holes or voids 30 are equivalent to applicant's "voids in said core" that are being filled, applicant believes it is clear that Levenson does not teach a "fill hole extending radially to said voids" 30. To further highlight this difference in structure, applicant has amended claim 1 to recite that the fill hole extends "radially to said voids in said core, from exterior to the holey wave-guide". This amendment clearly distinguishes the difference between 1) the radial dimensions of Levenson's holes, and 2) the radial "hole" nature of applicant's fill hole.

As amended, claim 1 is believed to be allowable.

Claims 2, 3 and 6 are believed to be allowable, at least, because they depend from claim 1.

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Claims 7-10 are believed to be allowable for reasons similar to why claim 1 is believed to be allowable.

5. New Claims 50-53

New claims 50-53 recite that the known selective absorption medium recited in claims 1 and 7 is either acetylene gas or hydrogen cyanide gas. Support for claims 50-53 is found, at least, on page 20, line 1 of applicant's specification.

Claims 50-53 are believed to be allowable because a known selective absorption medium of acetylene gas or hydrogen cyanide gas is not taught in the prior art.

6. Conclusion

In light of the amendments and remarks provided herein, applicant respectfully requests the issuance of a Notice of Allowance.

Respectfully submitted,
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